

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Hassan Mostafavi et al.

Serial No.: 10/678,741

Filing Date: October 3, 2003

For: METHOD AND SYSTEM FOR
RADIATION APPLICATION

Group Art Unit: 3737

Examiner: Ramirez, John Fernando

Confirmation No.: 6107

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (IDS) are being brought to the attention of the Office. The items are listed on the attached form PTO/SB/08a/b. The Examiner is requested to make these documents of record.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant(s) is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant(s) as such.

1. Timing of the Information Disclosure Statement:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) with the new patent application submitted herein (37 CFR § 1.97(a)); or (2) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (3) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (4) before the mailing of a first Office action on the merits; or (5) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- ☐ However, if the undersigned is in error in this regard, Applicant(s) respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant(s) respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- ☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office Action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- ☒ Charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ The fee due under 37 CFR § 1.17(p) is being concurrently submitted with the filing of an electronic IDS submission. Thus, no additional fee is required.
- ☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant(s) respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. Charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ This IDS is being submitted under 37 CFR § 1.97(i), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee.

STATEMENT UNDER 37 CFR § 1.97(e):

- ☐ That each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or
- ☐ That no item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior

to the filing of the IDS.

2. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached form PTO/SB/08b are enclosed.
- ☐ Copies of the following items listed on the attached form PTO/SB/08a (Item Nos. *) are enclosed.
- ☐ Copies of the following items listed on the attached form PTO/SB/08a (Item Nos. *) are not enclosed. See 37 CFR 1.98(a)(2)(i).
- ☐ Copies of the following documents listed in PTO/SB/08b (Item Nos. 1-21) are not supplied as they were previously cited by the Office or submitted in Information Disclosure Statements in related applications and relied upon in this application for an earlier filing date under 35 USC § 120. See 37 CFR § 1.98(d). The Examiner is requested to make these documents of record.
- ☐ Copies of the following items listed on the attached form PTO/SB/08a (Item Nos. *) were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

3. Related Applications:

- ☐ Applicant(s) brings to the Office's attention the following related application(s):

4. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; and
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08B with initials or other appropriate marks. In the unlikely event that the transmittal letter is separated from this

document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicant(s) petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 501105**, referencing **VM03-035-US**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: June 25, 2009

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